

MEMO ENDORSED

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP
Attorneys at Law
1300 Mount Kemble Avenue
Morristown, New Jersey 07962-2075
Attorneys for Plaintiff,
Massachusetts Mutual Life Insurance Company

By:

Randi F. Knepper
Randi F. Knepper, Esq.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/21/2007

MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY,

Plaintiff,

vs.

DANA LEVY, ANDREW LEVY, AND
SUSAN ("SUZANNE") WEISSMAN,

Defendants.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF
NEW YORK

CIVIL ACTION NO.: 07-CIV-8453(DC)

CIVIL ACTION – CONSENT ORDER

THIS MATTER having been opened to the Court upon joint application of McElroy, Deutsch, Mulvaney & Carpenter, LLP, counsel for plaintiff, Massachusetts Mutual Life Insurance Company ("MassMutual"), Edward Weissman, counsel for defendants, Dana Levy and Andrew Levy, and Gary Greenberg, counsel for Susan ("Suzanne") Weissman, and the Court having reviewed and considered the application and all materials submitted herewith, and good cause existing for the entry of this order:

It is on this 21st day of Nov., 2007.

STIPULATED, AGREED AND ORDERED that MassMutual is wholly and completely discharged and absolved from any further liability, of whatsoever nature, to each of the parties hereto

and any other claimant to the death benefits arising under and pursuant to the policy of life insurance bearing policy number 11028318 on account of the death of David Levy, deceased ("Decedent"); and it is further

STIPULATED, AGREED AND ORDERED that MassMutual, its employees, agents, officers, directors, shareholders, attorneys, parent and affiliated corporations, predecessors and successors-in-interest, subsidiaries and assigns is released and discharged from any and all liability, suits, debts, judgments, dues, sums and/or cause of action, whether at law or in equity, to any person, entity, claimant, party to this action or otherwise for any and all benefits arising under and pursuant to the policy of life insurance bearing policy number 11028318 on account of death of the Decedent; and it is further

STIPULATED, AGREED AND ORDERED that the parties hereto are permanently restrained and enjoined from instituting and/or prosecuting any other suit, cause of action or civil proceeding in any state, federal or other court of competent jurisdiction against MassMutual seeking benefits or asserting damage claims arising under the policy of life insurance bearing policy number 11028318 on account of the death of the Decedent pursuant to 28 U.S.C. § 2361; and it is further

STIPULATED, AGREED AND ORDERED that the United States District Court Clerk shall issue checks dividing the benefits on deposit in equal one-third portions as follows:

- A. A check representing one-third of the benefits shall be made payable to Edward Weissman, as attorney for Dana Levy, and mailed to Edward Weissman, 60 East 42nd Street, 47th Floor, New York, NY 10165;
- B. A check in the amount of one-third of the benefits shall be made payable to Edward Weissman, as attorney for Andrew Levy, and mailed to Edward Weissman, 60 East 42nd Street, 47th Floor, New York, NY 10165; and

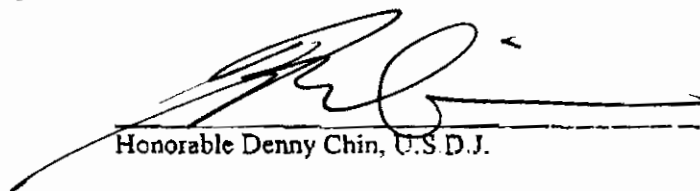
1018052_1.doc

McElROY, DEUTSCH, MULVANEY

0057.05

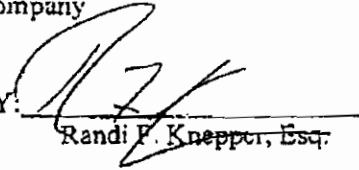
- C. A check representing the remaining one-third of benefits shall be made payable to Gary Greenberg, as attorney for Susan ("Suzanne") Weissman, and mailed to Gary Greenberg, 666 Fifth Avenue, 27th Floor, New York, NY 10103.

STIPULATED AGREED AND ORDERED that this action is dismissed with prejudice and without costs or attorney's fees except as indicated above.


Honorable Denny Chin, U.S.D.J.

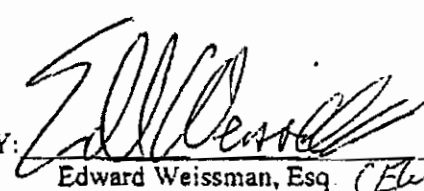
The parties stipulate and agree to the form and content of the above:

McElroy, Deutsch, Mulvaney
& Carpenter, LLP
Attorneys for Plaintiff,
Massachusetts Mutual Life Insurance
Company

BY: 
Randi F. Knepper, Esq.

DATE:

Edward Weissman, Esq.
Attorney for Defendants,
Dana Levy and Andrew Levy

BY: 
Edward Weissman, Esq. (EW-1340)

DATE: 11/14/07

Gary Greenberg, Esq.
Attorney for Defendant,
Susan ("Suzanne") Weissman

BY: 
Gary Greenberg, Esq.